P.R. No. 4960/05
Presented by Shri Rajesh Shrivastava
dated 19/9/05

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION. NO. 4779 OF 2005

BETWEEN

Nirmala Thawait W/o Shri Rameshwar Thawait, aged about 37 years, Resident of Village Khokhra Bhatapara, P.S. Janjgir, District Janjgir Champa (CG).

RECEIPT COPY
19.9.
A. G. BILASPUR

PETITIONER

AND

1. The State of Chhattisgarh,
   Through the Secretary Department of Home Affairs,
   Mantralay, D.K.S. Building,
   Building, Raipur (C.G.)

2. The Director General of Police, Chhattisgarh, Raipur,
   Tahsil and District Raipur (CG).

3. The Collector, Janjgir,
   Tahsil and District Janjgir Champa (CG).

4. Superintendent of Police, Janjgir , Tahsil and District
   Janjgir Champa (CG).

5. The Station House Officer, Police Station Janjgir , District
   Janjgir Champa (CG).

6. Shri B.P. Singh, Investigating Officer ,(Sub Inspector)
   Police Station Janjgir , District Janjgir Champa (CG).

RESPONDENTS

19/9/05

4 (2)

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....W.P.No.4779/05.... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	18.11.2005 Shri Shailendra Dubey, counsel for the petitioner. Shri Sandeep Dubey, G.A. for the State. Heard on admission. The petitioner has preferred this petition under Article 226/227 of the Constitution with a prayer to issue a writ of mandamus commanding the respondents No.1 to 4 to initiate actions against respondent No.5 & 6 and to further command to conduct fair and impartial enquiry as the husband of the petitioner is facing prosecution under Section 20 of the NDPS Act for allegedly found in possession of 20 kgs. of cannabis from his custody. The further prayer of the petitioner is that the criminal proceedings pending against the husband of the petitioner under the NDPS Act may kindly be declared null and void. The grievance of the petitioner is that though the husband of the petitioner was arrested on 18/06/2005 and was taken to the police station by the respondent No. 5 & 6 even then on the basis of false recovery of 20 kgs. of ganja, the charge sheet was filed against him. Learned counsel for the petitioner submits that the husband of the petitioner was taken into custody on 18/06/2005 by the police as nothing was seized from his custody on that date. However, subsequently on the basis of false recovery on 19/06/2005 he has been implicated in the case. He submits that the petitioner complained about the same to the Director General of Police vide document of Annexure P-1 and to the Inspector General of Police vide document of Annexure P-2 even then investigation	

मामला क्रमांक .....W.P.(C)No.4779/05..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

is being done by the same officer who has implicated the husband of the petitioner in the above case.

I have heard learned counsel for the petitioner.

Except the two letters (Annexure P-1 & P-2) purportedly written by the petitioner to the D.G.P. & I.G. P. there is no document on record to substantiate the contention of the petitioner that the husband of the petitioner has been falsely implicated in this offence. Since the counsel for the petitioner admits that the charge sheet against the husband of the petitioner has already been filed in the month of august 2005 and the trial is going on before the Special Court I do not consider that any interference is called for by this Court in exercise of jurisdiction under Article 226/227 of the Constitution of India as the petitioner has failed to make out a case for such interference and accordingly the petition is dismissed at the motion stage.

In view of the above, I.A. No. 8508/2005 stands disposed of.

Sd/-
Dhirendra Mishra
Judge

SP/FS/2005 - 20,000

25-2-06